

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

ELISHA RIGGLEMAN,

Petitioner,

v.

CIVIL ACTION NO. 5:14-cv-03232  
(Criminal No. 5:11-cr-00124)

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM OPINION AND ORDER**

On January 21, 2014, the Petitioner, proceeding *pro se*, filed a petition and an amended petition under 28 U.S.C. § 2255 to vacate, set aside or correct sentence (Documents 422 and 423). Additional petition amendments were filed on January 31, 2014, March 7, 2014, October 23, 2015, and February 22, 2017 (Documents 426, 437, 455 and 486).

Also pending in the matter are the Petitioner's motions for default judgment (Document Nos. 442 and 443); the Petitioner's motion for voluntary dismissal (Document 496); the Petitioner's motion for appointment of counsel (Document 427), the Petitioner's motions to expedite/compel (Documents 441 and 459), the Petitioner's motion for final judgment (Document 444), the Petitioner's motion for records (Document 460) and the Petitioner's motion to dismiss counsel (Document 492).

By *Standing Order* (Document 433) entered on February 25, 2014, this matter was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this

Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636. Subsequently, by *Order* (Document 458) entered on January 6, 2016, the case was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings of fact and recommendation for disposition.

On April 6, 2018, Magistrate Judge Aboulhosn submitted a *Proposed Findings and Recommendation* (Document 497) wherein it is recommended that the Petitioner's motions for default judgment (Document Nos. 442 and 443) be denied, the Petitioner's motion for voluntary dismissal (Document 496) be denied, the Petitioner's petition under 28 U.S.C. § 2255 to vacate, set aside or correct sentence, and the amendments thereto (Documents 422, 423, 426, 437, 455 and 486) be denied and this matter be removed from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by April 23, 2018, and none were filed by either party.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).


Wherefore after thorough review and careful consideration, the Court **ORDERS** that the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation* be **ADOPTED** and incorporated herein and further **ORDERS** that the following

motions be **DENIED**: the Petitioner's motions for default judgment (Document Nos. 442 and 443), the Petitioner's motion for voluntary dismissal (Document 496), the Petitioner's petition under 28 U.S.C. § 2255 to vacate, set aside or correct sentence, and the amendments thereto (Documents 422, 423, 426, 437, 455 and 486).

Lastly, the Court **ORDERS** that this matter be **REMOVED** from the docket of this Court and that the following motions be **TERMINATED AS MOOT**: the Petitioner's motion for appointment of counsel (Document 427), the Petitioner's motions to expedite/compel (Documents 441 and 459), the Petitioner's motion for final judgment (Document 444), the Petitioner's motion for records (Document 460) and the Petitioner's motion to dismiss counsel (Document 492).

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: May 1, 2018

  
IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA